(2) that the provisions of Section 7 of the Securities Exchange Act of 1934 and the rules and regulations of the Federal Reserve Board heretofore and hereafter prescribed thereunder, and of Sections 8, 9 (except 9 (e)), 10, 11, 14, 17, and 19 (b), and the rules and regulations heretofore and hereafter prescribed thereunder, shall be complied with by said exchange, the members thereof, and the issuers of securities listed or admitted to unlisted trading privileges thereon as if said exchange were a national securities exchange and said securities were registered thereon:

(3) that the issuer of any security listed on said exchange on May 1, 1936, shall be required to file annually with said exchange (and file with the Commission such duplicate copies thereof as the Commission may require) as soon as possible after the close of each fiscal year, a document setting forth the balance sheet and analysis of surplus account as of the close of said year and a profit and loss statement for said year;

(4) that after May 1, 1936, no security shall be admitted to listing and continued thereafter as a listed security on said exchange unless—

(a) the requirements prescribed for the registration of said security on a national securities exchange pursuant to the provisions of Section 12 (a), (b), (c), and (d) of said Act and the rules and regulations heretofore or hereafter prescribed thereunder, are complied with; or

(b) the requirements prescribed for the exemption of said security from registration on a national securities exchange are complied with; and

(c) the issuer of said security files the same information, documents, and reports with said exchange (and files with the Commission such duplicate originals thereof as the Commission may require) as are required by the provisions of Section 13 of said Act and the rules and regulations heretofore or hereafter prescribed thereunder, of an issuer of any such security registered or exempted from registration on a national securities exchange.

(5) that after May 1, 1936, no security shall be admitted to unlisted trading privileges;

(6) that such reports as may be required by the Commission with respect to quotation of and amount and dollar value of transactions in, securities listed or admitted to unlisted trading privileges on said exchange, shall be filed with the Commission;

(7) that the rules of said exchange shall include provision for the expulsion, suspension, or disciplining of a member for conduct or proceeding inconsistent with just and equitable principles of trade, and shall declare that the willful violation of any of the conditions of this exemption shall be considered conduct or proceeding inconsistent with just and equitable principles of trade;

(8) that said exchange and the members thereof shall be subject to and comply with such additional conditions relating to said exchange and its members as the Commission may from time to time prescribe; and

Provided further, that the Commission may, after appropriate notice and opportunity for hearing, by order deny, suspend the effective date of, suspend for a period not exceeding twelve months, or withdraw the listing of a security if the Commission finds that the issuer of said security has failed to comply with the conditions of this exemption; and

Provided further, that the Commission may, after appropriate notice and opportunity for hearing, by order suspend for a period not exceeding twelve months or expel from said exchange any member or officer thereof who the Commission finds has violated or has effected any transactions for any other person who, he has reason to believe, is violating in respect of such transaction, the conditions of this exemption.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

The Seattle Stock Exchange hereby consents to the entry of the foregoing order, and agrees to comply with the terms and conditions thereof and to enforce, insofar as is within its power, compliance with said terms and conditions.

THE SEATTLE STOCK EXCHANGE,
By CHAS. G. MULLEN,
President.

Attest:
SHERMAN ELLSWORTH,
Secretary.

[F. R. Doc. 521—Filed, April 30, 1936; 12:26 p. m.]

Saturday, May 2, 1936 *No. 36*

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

[T. D. 4639]

PIPELINES CONNECTING RECEIVING CISTERNS

To District Supervisors and Others Concerned:

The first paragraph on page 12 of Regulations 8, under the caption "Cistern Room", is hereby amended to read as follows:

These cisterns must not be connected with each other, and must be so constructed as to leave an open space of at least 3 feet between the top and the roof or floor above, and a space of not less than 18 inches between the bottom and the floor below, and they must be separated so that the officer may pass around them, and so constructed as always to be exposed to the view of the officer; provided, however, that a connecting pipeline between receiving cisterns will be permitted in order to prevent loss of spirits by overflow. Such connecting pipeline must be located as close to the top of each cistern as the construction of the cistern will permit, and must be closed and all connections therein brazed or otherwise effectually sealed to prevent abstraction of spirits without evidence of tampering. A valve in the connecting pipe, equipped for locking with Government lock, must be provided and same must be closed and locked before the spirits are proofed and while the spirits are being drawn off.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, Apr. 29, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 538—Filed, May 1, 1936; 11:40 a. m.]

[T. D. 4640]

INVESTIGATORS PERMITTED TO TESTIFY IN STATE COURTS

To District Supervisors and Others Concerned:

The second paragraph of Article 80, Regulations 12, revised October 1, 1920, is hereby amended to read as follows:

Internal-revenue officers are hereby prohibited from giving out any records, or any copies thereof, to private persons or to local officers, or to produce such records or copies thereof in a State court, whether in answer to subpoena duces tecum or otherwise, or to testify to facts coming to their knowledge in their official capacities without express authority from the Commissioner: *Provided,* however, that if the interests of the United States will not be jeopardized thereby, and if information will not be divulged contrary to Section 3167, Revised Statutes, as amended, District Supervisors of the Alcohol Tax Unit may upon receipt of subpoenas or requests of State authorities, and at the expense of the State, authorize investigators and other employees under their supervision to attend trials and administrative hearings in liquor cases in which the State is a party, produce records, and testify as to facts coming to their knowledge in their official capacities.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved, April 29, 1936.

WAYNE C. TAYLOR,
Acting Secretary of the Treasury.

[F. R. Doc. 539—Filed, May 1, 1936; 11:41 a. m.]

DEPARTMENT OF THE INTERIOR.

Division of Grazing.

MONTANA GRAZING DISTRICT NO. 2

MODIFICATION

MARCH 11, 1936.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), departmental order of July 11, 1935, establishing Montana Grazing District No. 2, is hereby revoked so far as it affects the following-described lands, such revocation to be effective upon the reservation of the lands for use in connection with the Fort Peck Dam and Reservoir Project:

Montana

MONTANA MERIDIAN

T. 26 N., R. 42 E.,
sec. 2, lot 7;
sec. 3, lot 4, SW¼ NW¼, NW¼ SW¼, S½ S½;
sec. 4, lots 2, 5, SW¼ NW¼, S½.
T. 27 N., R. 42 E.,
sec. 33, lots 3, 4, 6, 7, N½ SW¼.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 528—Filed, May 1, 1936; 9:30 a. m.]

NEVADA GRAZING DISTRICT NO. 2

MODIFICATION

APRIL 20, 1936.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), departmental order of October 18, 1935, establishing Nevada Grazing District No. 2, is hereby revoked so far as it affects the following-described lands, such revocation to be effective upon the reservation of the lands for wildlife refuge purposes:

Nevada

MOUNT DIABLO MERIDIAN

T. 45 N., R. 21 E., secs. 6, 7, and 18.
T. 46 N., R. 21, E., secs 19, 30, and 31.

CHARLES WEST,
Acting Secretary of the Interior.

[F. R. Doc. 530—Filed, May 1, 1936; 9:38 a. m.]

Office of Indian Affairs.

QUAPAW INDIAN LANDS

AMENDMENT OF REGULATIONS GOVERNING LEASING FOR LEAD AND ZINC MINING OPERATIONS AND PURPOSES OF QUAPAW RESTRICTED, ALLOTTED, AND INHERITED LANDS, UNDER SECTION 26 OF ACT OF CONGRESS APPROVED MARCH 3, 1921 (41 STAT. 1225–1248) AS AMENDED BY ACT OF CONGRESS APPROVED NOVEMBER 18, 1921 (42 STAT. 1570), AND OF OTHER INDIAN RESTRICTED OR TRUST ALLOTTED AND INHERITED LANDS WITHIN AND UNDER QUAPAW INDIAN AGENCY, UNDER ACTS OF CONGRESS APPROVED JUNE 7, 1897 (30 STAT. 62–71), AND MARCH 3 1909 (35 STAT. 781–783)

Section 2 of the regulations is hereby amended to read as follows:

Before actual drilling or development operations are commenced on the leased lands the lessee shall appoint a local or resident representative within Ottawa County, Oklahoma, on whom the superintendent may serve notice or otherwise communicate with in securing compliance with the regulations, and shall notify the superintendent of the name and postoffice address of the representative so appointed. In the event of the incapacity or absence from the county of Ottawa of such designated local or resident representative, the lessee shall appoint some person to serve in his stead, and in the absence of such representative or of notice of the appointment of a substitute, any employee of the lessee upon the leased premises, or the contractor, or other person in charge of mining operations thereon shall be considered the representative of the lessee for the purpose of service of orders or notices as herein provided, and service upon any employee, contractor, or other person shall be deemed service on the lessee. Wherever a notice is provided for in these regulations or in the lease form it shall be deemed sufficient if notice has been mailed to the last known address of the lessee or his local or resident representative, and time shall begin to run with the day next ensuing after the mailing, or from date of delivery of personal notice.

Approved, April 22, 1936.

T. A. WALTERS,
First Assistant Secretary.

[F. R. Doc. 529—Filed, May 1, 1936; 9:31 a. m.]

COMMODITY CREDIT CORPORATION.

INSTRUCTIONS—1934–35 CCC COTTON FORM M [1]

Cotton-securing loans of 12 cents per pound held by Commodity Credit Corporation under the 1934–35 Government loan program will be released to the producer-borrower, or the person or concern designated by him on the reverse side hereof, upon payment of an amount equivalent to the average price of middling ⅞ inch on the 10 designated spot markets for the last market day preceding the date the form on the reverse side hereof is presented, or postmarked if mailed, less 25 points. Similarly, cotton-securing loans of 11 cents per pound will be released upon payment of said average price less 125 points. No cotton-securing 12 cent loans will be released on payment of an amount less than 11.25 cents per pound based on weights as shown in the pledged warehouse receipts, and no cotton-securing loans of 11 cents per pound will be released on payment of an amount less than 10.25 cents per pound.

Producers whose cotton has been reconcentrated from the original point of storage will be required to pay, in addition, the cost of compression and patches. The cost of freight will be charged against producers whose cotton has been reconcentrated at port points and also will be charged against producers whose cotton has been reconcentrated in interior points in those instances where freight bills are available for delivery upon the release of the warehouse receipts. If Commodity Credit Corporation cannot deliver freight bills at the time the cotton is released, no charge for freight on cotton reconcentrated at interior points will be made. Commodity Credit Corporation will pay, in the manner hereafter provided, all warehouse charges on the cotton released under this plan through the 10th day following the date the request for release is delivered or postmarked. This plan is open to all producers except the relatively few whose loans have been called by the Corporation because of fraud or breach of contract. Its operation will give producers who market their cotton a commission of not more than $1.25 per bale and also allow them the benefit of such premiums as may be secured because of grade, staple, and location.

PROCEDURE

1. Producers desiring the release of their cotton must execute this form personally and mail or deliver it to the Loan Agency of the R. F. C. holding the notes, except that forms executed by executors or administrators of estates of deceased producers will be accepted if accompanied by letters testamentary issued by the clerk of the court of their appointment. If the loan was not made payable directly to Commodity Credit Corporation, the producer should contact the payee named in the note to determine the Loan Agency holding such note.

2. It is not necessary that all of the cotton securing a particular note be released. The producer may withdraw any bales desired by specifying the warehouse receipt numbers on the reverse side hereof.

3. The warehouse receipt numbers are shown on the copy of the note retained by the producer unless the cotton has

[1] This form is to be used by producers to obtain release of warehouse receipts pledged to secure loan on 1934–35 CCC Cotton Form A, in accordance with the instructions printed herewith. The original form has been filed with the Division of the Federal Register; copies are available upon application to the Commodity Credit Corporation.

been reconcentrated, in which event the new warehouse receipt numbers are shown on "Statement of Charges" mailed to all producers.

4. If only a part of the cotton is to be released the warehouse receipt numbers of the cotton desired must be given. In the event no warehouse receipt numbers are listed, the request will be accepted as applying to all cotton held as security to notes of the producer by the Loan Agency of the R. F. C. receiving this form.

5. Warehouse charges will be assumed by the Corporation for the period through the 10th day succeeding the date of receipt of the request if delivered in person, or the date of postmark if the request is mailed.

6. The warehouse charges accrued to the date indicated above will be deducted from the amount required to be paid to obtain the release of the collateral, and the unpaid accrued charges deducted will follow the cotton.

7. The amount necessary to be paid to release the collateral will be calculated on the basis of the weight of the cotton as shown in the pledged warehouse receipts.

8. An invoice showing full information as to the amount required to be paid to obtain release of the collateral, including all charges, will accompany the receipts.

9. In the event this form is returned for correction, other than for proper signature of the producer, the date of the applicable average price will be stamped hereon and such price used to determine the amount to be paid when the corrected form is returned. No forms will be accepted without proper signature of the producer.

10. Warehouse receipts will be forwarded for delivery upon payment only to approved banks, and in those instances where the bank named on the reverse side hereof is not an approved bank the receipts will be forwarded to an approved bank in the most convenient location and notification given.

11. Producers can secure one sample of the cotton by requesting same of warehouse in writing and paying the cost of such sampling. Warehouses have been instructed to furnish only one sample upon written request of the producer.

[F. R. Doc. 525—Filed, May 1, 1936; 9:26 a. m.]

FEDERAL HOME LOAN BANK BOARD.

Federal Savings and Loan Insurance Corporation.

Determination of Amounts of Insured Accounts

Be it resolved, That, pursuant to the authority vested in the Board of Trustees by Sections 402 (a) and 403 (b) of the National Housing Act (48 Stat. 1246, 1256, 1257), as amended, Section 18 (b) of the Rules and Regulations for the Insurance of Accounts is hereby amended by striking the second sentence and substituting in lieu thereof the following:

The amount of each insured account will be determined from the books and records of the insured institution and from the security contract without regard to the actual value of the assets of the insured institution and without regard to provisions of the security contract which authorize the insured institution to retain or deduct in the event of voluntary withdrawal or repurchase any amount on account of premature withdrawal or repurchase.

[F. R. Doc. 522—Filed, April 30, 1936; 2:49 p. m.]

FEDERAL HOUSING ADMINISTRATION.

Special Regulations Issued Under the Provisions of Section 6 of Title I of the National Housing Act, Effective After April 17, 1936

The General Regulations of the Federal Housing Administration enacted pursuant to Title I of the National Housing Act, as amended, effective April 1, 1936, with the exception of General Regulations 1, 7, 9, 18, and 24 shall govern in connection with all loans and advances of credit made under the amendment to Title I known as Section 6 of said Title, which was approved April 17, 1936, authorizing the Administrator to insure loans or advances of credit for the purpose of financing the restoration, rehabilitation, rebuilding, or replacement of improvements on real property and equipment and machinery thereon which were damaged or destroyed by earthquake, conflagration, tornado, cyclone, hurricane, flood, or other catastrophe in the years 1935 or 1936.

Special Regulation No. 1 (Applicable to all Section Six loans). Promissory notes must be signed by an owner of real property damaged or destroyed by earthquake, conflagration, tornado, cyclone, hurricane, flood, or other catastrophe in the years 1935 or 1936, or by a lessee of such property holding it under an unexpired lease which had an original term of not less than one year. In addition to owners in fee, owners of real property include life tenants and persons holding an equity under mortgage trust or contract. Notes must be in form generally considered to be valid and enforceable in the State in which they are issued.

Special Regulation No. 7 (Applicable only to Section Six loans of $2,000 and less). A note evidencing an advance of credit not in excess of $2,000 will be eligible for insurance if it was executed to cover the restoration, rehabilitation, rebuilding, or replacement of improvements upon any type of real property, or equipment and machinery installed thereon, which were damaged or destroyed by earthquake, conflagration, tornado, cyclone, hurricane, flood, or other catastrophe in the years 1935 or 1936, including the cost of architectural and engineering services, if any, involved in such restoration, rehabilitation, rebuilding, or replacement.

Loans for new construction to replace structures so destroyed or damaged will be eligible for insurance if such new construction is either on the same site, or on a new site in the same locality where the damaged or destroyed property was located.

Special Regulation No. 9 (Applicable to all Section Six loans). Taxes, assessments, and payments on principal, and/or interest on mortgages on property to be improved need only be in such standing as is acceptable to the insured institution. The status of such items, whether delinquent or not, shall not affect the eligibility of a note for insurance if the insured institution is willing to extend credit.

In the case of a loan for the purpose of rebuilding or replacing a structure which was substantially or totally destroyed by earthquake, conflagration, tornado, cyclone, hurricane, flood, or other catastrophe in the years 1935 or 1936, the loans must be secured by a mortgage, deed of trust, or other similar instrument which is a first lien on the property improved, except for tax and assessment liens.

If claim for loss is made on such a loan under the Contract of Insurance, any security taken by the insured institution must be assigned to the Administrator.

Special Regulation No. 18 (Applicable to all Section Six loans). The Administrator will reimburse any insured institution, in accordance with Regulation No. 14, for any losses sustained by it on loans or advances of credit eligible for insurance and reported under the provisions of Section 6 and the Special Regulations issued pursuant thereto, up to a total aggregate amount equal to ten percent of the total amount so advanced by it after April 17, 1936, and prior to January 1, 1937, provided that his total liability under all insurance heretofore or hereafter granted to all insured institutions pursuant to Section 2 and Section 6 shall not exceed $100,000,000. Insurance reserves calculated on obligations reported under Section 6 and the Special Regulations issued thereunder will be segregated from insurance reserves calculated on obligations reported under Section 2 and the General Regulations issued thereunder. If ten percent of the total amount advanced by an insured institution on obligations eligible for insurance and reported under Section 6 and the Special Regulations is not sufficient to pay the losses sustained on such obligations, any unused insurance reserve accumulated by such an insured institution under its Contract of Insurance in effect up to April 1, 1936, shall be applicable to the payment of such losses.

If obligations previously reported for insurance under the provisions of Section 6 and the Special Regulations issued pursuant thereto are sold to another insured institution en-

dorsed with or without recourse, the buying and selling institutions may agree, with the prior approval of the Administrator, to transfer all or any part of the insurance reserve standing to the credit of the selling institution, to the purchasing institution. Where the parties agree to transfer an insurance reserve in excess of 10% of the actual purchase price of the obligations involved, or in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the entire insurance reserve transferred may be used to pay only those claims arising out of defaults occurring in the transferred obligations. When the obligations so transferred have all been fully paid to the purchasing institution, it shall so notify the Administrator, and any insurance reserve remaining unused shall thereupon revert to the institution from which it was originally transferred.

Where the parties agree to transfer an insurance reserve not in excess of 10% of the actual purchase price of the obligations involved, or not in excess of 10% of the net unpaid original advance on the obligations involved, whichever is the lesser, the insurance reserve so transferred will be credited to the general reserve of the purchasing institution in the absence of any agreement to the contrary between the purchasing and selling institutions.

The transfer of insurance reserve, in cases of merger or consolidation of two or more insured institutions, will be provided for by the Administrator in accordance with the facts of the particular case. In all cases the reports required by Regulation No. 13 must be filed and must indicate the intent of the parties with regard to the transfer of insurance reserve.

Where the notes are transferred without recourse, guarantee, or repurchase agreement and the reports do not indicate the intent of the parties, the insurance reserve will be transferred to the general reserve of the purchasing institution on the basis of 10% of the actual purchase price of the obligations involved, or 10% of the net unpaid original advance on the obligations involved, whichever is the lesser.

Where the transfer of the obligations is with recourse or under a guarantee or purchase agreement and the required reports do not show the intent of the parties, no insurance reserve will be transferred.

Special Regulation No. 24 (Applicable only to Section Six loans in excess of $2,000). Loans up to $50,000 for the purpose of financing the restoration, rehabilitation, rebuilding or replacement of apartment or multiple family houses, hotels, offices, business or other commercial buildings, hospitals, orphanages, colleges, schools, churches, manufacturing or industrial plants, or equipment and machinery installed therein, will be eligible for insurance. Loans may include the cost of architectural and engineering services, if any, involved in such restoration, rehabilitation, rebuilding or replacement.

Loans for new construction to replace structures so destroyed or damaged will be eligible for insurance if such new construction is either on the same site or on a new site in the same locality where the damaged or destroyed property was located.

STEWART MCDONALD,
Federal Housing Administrator.

[F. R. Doc. 531—Filed, May 1, 1936; 9:41 a. m.]

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2542]

IN THE MATTER OF ROBERT C. HOFFMAN, TRADING AS YORK BAR BELL COMPANY, STRENGTH AND HEALTH PUBLISHING CO., AND AS YORK ATHLETIC SUPPLY COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testmony,

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law:

It is further ordered that the taking of testimony in this proceeding begin on Monday, May 11, 1936, at ten o'clock in the forenoon of that day (daylight saving time), in room 901, 45 Broadway, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 534—Filed, May 1, 1936; 9:50 a. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2742]

IN THE MATTER OF LOUIS FABRIKANT, TRADING AS LOUIS FABRIKANT COMPANY

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony,

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Friday, May 8, 1936, at ten o'clock in the forenoon of that day, daylight saving time, at Room 901, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 535—Filed, May 1, 1936; 9:50 a. m.]

United States of America—Before Federal Trade Commission

At at regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of April A. D. 1936.

Commissioners: Charles H. March, Chairman; Garland S. Ferguson, Jr., Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 2746]

IN THE MATTER OF FRIEDMAN SILVER COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony.

It is ordered that Robert S. Hall, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law.

It is further ordered that the taking of testimony in this proceeding begin on Wednesday, May 6, 1936, at 10:00 o'clock in the forenoon of that day, daylight saving time, at Room 901, 45 Broadway, New York City.

Upon completion of testimony for the Federal Trade Commission, the Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 536—Filed, May 1, 1936; 9:51 a. m.]

INTERSTATE COMMERCE COMMISSION.

COLLECTION OF RATES, FARES, AND CHARGES LAWFULLY ON FILE

APRIL 28, 1936.

To All Motor Carriers Subject to Sections 217 and 218 of the Motor Carrier Act, 1935:

The Commission is receiving numerous complaints that certain passenger and property carriers are not collecting the rates, fares, and charges lawfully on file. Complaints are also being received from shippers and competing carriers that tariffs and schedules are not being made available for public inspection.

Section 217 (b) of the Motor Carrier Act, 1935, which became effective April 1, 1936, requires common carriers of property or passengers by motor vehicle to collect *no more nor less than* the rates, fares, or charges stated in the tariffs lawfully on file with the Commission.

Section 218 (a) of the Motor Carrier Act, 1935, also effective April 1, 1936, requires contract carriers of property or passengers to collect rates, fares, or charges which are *no lower* than those stated in the schedules lawfully on file with the Commission.

Carriers who do not collect rates, fares, and charges strictly in accordance with the provisions of their tariffs or schedules lawfully on file with the Commission are subject to the penalties provided by section 222 of the Motor Carrier Act, 1935, which states in substance that any carrier, shipper, consignee, or broker, or any officer, employee, agent, or representative thereof, who shall suffer or permit the transportation of passengers or property for less than the applicable rate, fare, or charge shall be deemed guilty of a misdemeanor and on conviction thereof be fined not more than $500 for the first offense and not more than $2,000 for any subsequent offense.

Sections 217 and 218 of the Motor Carrier Act, 1935, require common carriers and contract carriers, respectively, to keep their tariffs and schedules *open to public inspection.* Rule 6 of Tariff Circulars MF No. 1 and MP No. 2 provides that each carrier must post and file at each of its stations or offices at which an exclusive agent is employed all of the tariffs or schedules applying from or at such station or office, and must also post and file at its principal place of business all of its tariffs or schedules. The rule further provides that such tariffs or schedules must be kept available for public inspection or examination at all reasonable times. Therefore, if request is made during customary business hours, carriers must permit any person, whether shipper, competitor, or otherwise, to examine any and all of their tariffs or schedules. Failure to comply with this requirement will subject carriers to the penalties provided by Section 222 of that Act.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 523—Filed, April 30, 1936; 3:19 p. m.]

PUBLICATION AND FILING OF RATES, FARES, CHARGES, RULES, ETC.

APRIL 28, 1936.

To All Motor Carriers Subject to Section 217 of the Motor Carrier Act, 1935:

Common carriers subject to the Motor Carrier Act, 1935, when complying with the requirements of section 217 of that Act regarding the publication and filing of their rates, fares, charges, or rules, including classifications, may either issue tariffs in their own name or authorize an agent by power of attorney to publish such rates, fares, charges, or rules. If the latter method is used, the tariffs are issued under the name and MF-I. C. C. number of the agent to whom power of attorney is given.

In giving powers of attorney or concurrences, carriers must be careful to avoid duplicating authority to two or more agents or carriers, which, if used, would result in conflicting rates or rules.

Under the law, and the rules of the Commission, any carrier may file its own rates, fares, charges, or rules, and while it is not required that a carrier delegate to an agent the power to file rates, fares, charges, or rules, if such carrier does grant authority to an agent to publish and file certain of its rates, fares, charges, or rules, it must not publish in tariffs of its own issue rates, fares, charges, or rules, which duplicate or conflict with those published by its own duly authorized agent.

It has come to the Commission's attention that numerous carriers have published in tariffs issued in their own names rates, fares, charges, or rules which duplicate or conflict with rates, fares, charges, or rules issued for their accounts in tariffs of duly authorized agents. As above indicated, publication of such rates, etc., by both the carrier and its agent, is improper and must be discontinued. Each carrier who has published rates, fares, charges, or rules which duplicate or conflict with those published for its account by a duly authorized agent will be expected to cancel such tariffs issued by it or arrange with its agent to cancel from the agency tariffs the rates, fares, charges, or rules which duplicate or conflict with those published in its separate issues. A tariff, however, can be supplemented or canceled only by the carrier or agent who issued it; therefore, a carrier cannot supplement or cancel a tariff issued by an agent.

If a carrier whose rates are now published by a duly authorized agent wishes to publish its rates in tariffs issued in the name of the carrier, such carrier should arrange with the agent to cancel the said rates appearing in the agency tariff. When that has been done a carrier may publish its tariff effective on the same day on which the withdrawal of rates in the agency tariff is effective. Both publications must give lawful notice and the agency publication canceling the rates and charges of an individual carrier must provide reference by MF-I. C. C. number to the carrier's tariff for rates and charges to apply after the cancelation in the agency tariff becomes effective.

Whenever a carrier desires to withdraw the authority that has been given an agent through a power of attorney, or another carrier through a concurrence, the procedure set forth in rule 10 of Tariff Circular MF No. 1 and rule 15 of Tariff Circular MP No. 2 should be strictly observed. Particular attention is directed to the requirement that 60 days' notice be given and that the revocation be in the form of a letter addressed to the Commission with a copy sent to all interested parties. This letter, therefore, should state

the date that the revocation will be effective and that date should be at least 60 days subsequent to the day the Commission will receive the letter of revocation.

The Commission has also noted that in several instances a group of carriers has issued a tariff or schedule bearing all names in the group and intended as the tariff or schedule of each. The Commission's rules do not contemplate a joint publication of this kind, and the practice should be discontinued. Carriers should publish their tariffs or schedules individually or give power of attorney to some individual as agent to publish for them.

[SEAL] GEORGE B. MCGINTY, *Secretary.*

[F. R. Doc. 524—Filed, April 30, 1936; 3:20 p. m.]

Tuesday, May 5, 1936 *No. 37*

PRESIDENT OF THE UNITED STATES.

EXECUTIVE ORDER

MODIFYING EXECUTIVE ORDER NO. 3825 OF APRIL 14, 1923, AND SETTING APART CERTAIN LAND FOR AIRPORT PURPOSES

Alaska

By virtue of and pursuant to the authority vested in me by the act of March 12, 1914, 38 Stat. 305, 307, and the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, Executive Order No. 3825 of April 14, 1923, withdrawing and reserving certain lands for townsite purposes, is hereby modified to the extent necessary to permit the Alaska Road Commission to use the following-described townsite lot for airport purposes, and such land is hereby set apart for such use:

Block 66, U. S. Survey No. 1503, Acreage Addition to Nenana Townsite, 12.24 acres.

It is not intended to release the above-described land from the reservation made by the said Executive Order No. 3825 for any purpose other than the use specified herein, and when the said land is no longer needed for such use it shall be and remain subject to the provisions of that order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 30, 1936.

[No. 7354]

[F. R. Doc. 542—Filed, May 1, 1936; 3:49 p. m.]

EXECUTIVE ORDER

REVOCATION OF EXECUTIVE ORDER NO. 6054, OF FEBRUARY 28, 1933, WITHDRAWING PUBLIC LANDS

Colorado

By virtue of and pursuant to the authority vested in me by the act of June 25, 1910, ch. 421, 36 Stat. 847, as amended by the act of August 24, 1912, ch. 369, 37 Stat. 497, Executive Order No. 6054 of February 28, 1933, withdrawing public lands in T. 1 S., R. 75 W. of the sixth principal meridian, Colorado, pending a resurvey, is hereby revoked.

This order shall become effective upon the date of the official filing of the plat of resurvey of said township.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
April 30, 1936.

[No. 7355]

[F. R. Doc. 543—Filed, May 1, 1936; 3:49 p. m.]

DEPARTMENT OF STATE.

National Munitions Control Board.

INTERNATIONAL TRAFFIC IN ARMS

LAWS AND REGULATIONS ADMINISTERED BY THE SECRETARY OF STATE GOVERNING THE INTERNATIONAL TRAFFIC IN ARMS, AMMUNITION, AND IMPLEMENTS OF WAR AND OTHER MUNITIONS OF WAR

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INTRODUCTORY STATEMENT

The Secretary of State announces that the regulations contained herein supersede, as of this date, all previous regulations administered by him governing the international traffic in arms, ammunition, and implements of war.

The President's proclamation of April 10, 1936, however, which is set forth under section II of this pamphlet, does not become effective until June 1, 1936. Until that date, the President's proclamation of September 25, 1935, continues to govern the manufacture, exportation, and importation of arms, ammunition, and implements of war, pursuant to the terms of section 2 of the joint resolution of Congress approved by the President August 31, 1935.

Although licenses are not required before June 1, 1936, for the export or import of arms, ammunition, and implements of war which are not enumerated in the President's proclamation of September 25, 1935, but which are enumerated in the President's proclamation of April 10, 1936, applications for licenses for the export or import of such articles will be received and acted upon by the Secretary of State before that date in order to obviate delay and inconvenience to exporters and importers.

SECTION I. SECTION 2 OF THE JOINT RESOLUTION APPROVED BY THE PRESIDENT AUGUST 31, 1935

Section 2 of the joint resolution approved by the President on August 31, 1935, reads as follows:

That for the purposes of this Act—

(a) The term "Board" means the National Munitions Control Board which is hereby established to carry out the provisions of this Act. The Board shall consist of the Secretary of State, who shall be chairman and executive officer of the Board; the Secretary of the Treasury; the Secretary of War; the Secretary of the Navy; and the Secretary of Commerce. Except as otherwise provided in this Act, or by other law, the administration of this Act is vested in the Department of State;

(b) The term "United States" when used in a geographical sense, includes the several States and Territories, the insular possessions of the United States (including the Philippine Islands), the Canal Zone, and the District of Columbia;

(c) The term "person" includes a partnership, company, association, or corporation, as well as a natural person.

Within ninety days after the effective date of this Act, or upon first engaging in business, every person who engages in the business of manufacturing, exporting, or importing any of the arms, ammunition, and implements of war referred to in this Act, whether as an exporter, importer, manufacturer, or dealer, shall register with the Secretary of State his name, or business name, principal place of business, and places of business in the United States, and a list of the arms, ammunition, and implements of war which he manufactures, imports, or exports.

Every person required to register under this section shall notify the Secretary of State of any change in the arms, ammunition, and implements of war which he exports, imports, or manufactures; and upon such notification the Secretary of State shall issue to such person an amended certificate of registration, free of charge, which shall remain valid until the date of expiration of the original certificate. Every person required to register under the provisions of this section shall pay a registration fee of $500, and upon receipt of such fee the Secretary of State shall issue a registration certificate valid for five years, which shall be renewable for further periods of five years upon the payment of each renewal of a fee of $500.

It shall be unlawful for any person to export, or attempt to export, from the United States any of the arms, ammunition, or